

State of Nebraska

Accountability and Disclosure Commission

P.O. BOX 95086
Lincoln, Nebraska 68509
www.nadc.nebraska.gov



Centre Terrace, 1225 L St. #400
Phone (402) 471-2522
Fax (402) 471-6599

Synopsis Case #23-04 Action Taken on March 3, 2023

Respondent: Michael Vance

The Respondent is the Sheriff of Seward County. On January 23, 2023 a complaint was filed by Cynthia Hartley. The Complaint alleged that the Respondent engaged in campaign activity in support of a candidate for elected state office while wearing the uniform of the Seward County Sheriff. A Preliminary investigation was commenced on January 25, 2023 alleging that the Respondent used public resources for campaign purposes by engaging in campaign activity while wearing his sheriff's uniform in violation of §49-14,101.02 of the Nebraska Statutes.

The parties entered into a settlement agreement by the terms of which the Commission found a violation of §49-14,101.02 and assessed a civil penalty of \$1,000.00. The Commission approved the Settlement Agreement with eight Commissioners concurring, no Commissioners dissenting, and no Commissioners abstaining.

Violation: Pursuant to the Settlement Agreement, the Commission found that the Respondent used a public resource for campaign purposes by engaging in campaign activity while wearing a sheriff's uniform in violation §49-14,101.02 of the State Statutes.

Civil Penalty: \$1,000.00

Attorney for the Commission: Neil B. Danberg

Synopsis Prepared by: Frank Daley
Executive Director
Nebraska Accountability & Disclosure Commission
P.O. Box 95086
Lincoln, NE 68509
402-471-2522

BEFORE THE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION

**In the Matter of
Michael Vance**

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Case #23-04

ORDER

Now on this 3rd day of March 2023, this matter comes before the Nebraska Accountability and Disclosure Commission. Commissioners Anderson, Callahan, Carlson, Chung, Davis, Evnen, Reuss and Sullivan are present with Commissioner Sullivan presiding. The Respondent is not present. The Commission notes the submission of a proposed Settlement Agreement.

Whereupon, the Commission, with eight Commissioners concurring, no Commissioners dissenting, and no Commissioners abstaining, finds that the attached Settlement Agreement should be and hereby is approved and incorporated into this Order. Pursuant to that Agreement, the Commission finds that the Respondent has violated §49-14,101.02 of the Nebraska Revised Statutes as more fully set forth in the attached Settlement Agreement. Pursuant to the terms of the Settlement Agreement, a civil penalty of \$1,000.00 is assessed against the Respondent.

Issued this 3rd day of March 2023

Nebraska Accountability and Disclosure Commission



Frank J. Daley, Jr.
Executive Director

Certificate of Service

A copy of this Order was sent by Certified U. S. Mail, postage prepaid and return receipt requested, on the 3rd day of March 2023, to the following person at the following address: Michael Vance, 1260 F Street, Utica, NE 68456.



Frank J. Daley, Jr.
Executive Director

BEFORE THE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION

In the Matter of Sheriff Michael Vance

Case # 23-04
SETTLEMENT AGREEMENT

RECEIVED
2/4/22
FEB 06 2023
NEBRASKA ACCOUNTABILITY
DISCLOSURE COMMISSION

- 1) Parties: The parties to this Settlement Agreement (hereinafter "Agreement") are the Nebraska Accountability and Disclosure Commission, hereafter referred to as the "Commission," and Sheriff Michael Vance, hereafter referred to as the "Respondent."
- 2) Jurisdiction: The Respondent acknowledges that the Commission has jurisdiction in this matter pursuant to the terms of Nebraska Statutes 49-1401 et seq., known as the Nebraska Political Accountability and Disclosure Act ("NPADA").
- 3) Intention: The parties hereby agree and intend that this Agreement shall constitute a waiver of any further proceedings in this matter, thereby resolving the matter without further delay and expense to the parties.
- 4) The Alleged Violation: In its Notice of Preliminary Investigation in this case, the Commission has alleged that the Respondent is the Sheriff in Seward County, that he appeared in a candidate's televised campaign advertisement in his Sheriff's uniform, that the advertisement was broadcast over Nebraska television stations on or about February and March of 2022, and the appearance of the Respondent in a candidate's campaign advertisement in his Sheriff's uniform was a violation of Section 49-14,101.02 of the NPADA.
- 5) Stipulation: The Respondent and the Commission stipulate and agree that subsequent to the filing of the Notice of Preliminary Investigation in this matter, the Respondent has not appeared in any further such advertisements, as described above.
- 6) The Alleged Violation, Agreement: The Respondent states that it was not his intent to violate the NPADA as alleged, and had he known that this would constitute a possible violation of the NPADA, he would not have agreed to appear in the campaign advertisement described above. However, Respondent agrees and stipulates that if this matter proceeded to a Hearing, there is sufficient evidence from which the Commission could make findings of a violation with respect to the alleged violation as described in Paragraph 4, above. The Respondent further agrees that the Commission may enter an order finding said violation, and that the Respondent would not contest such a finding or order.
- 7) Civil Penalty. The maximum civil penalty for the alleged violation in question is \$5,000. In view of the Respondent's willingness to resolve this matter, to work with

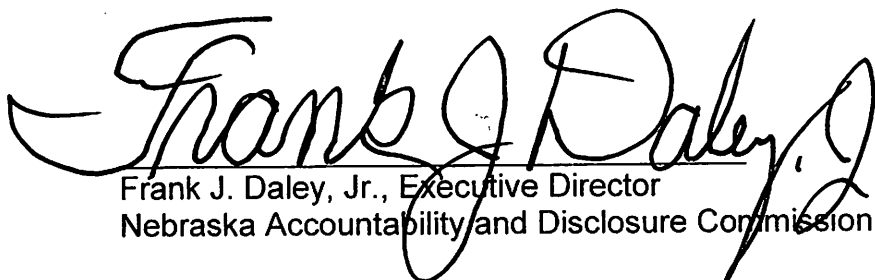
the NADC to resolve the matter, and to enter into this Agreement at an early stage of the proceedings in this case, the Commission agrees that if a civil penalty is imposed in this matter, it will not exceed the maximum amount of \$1,000.00.

- 8) The Commission must approve this Agreement in order for it to be effective: The parties agree that in order for this Agreement to become effective, the Commission must approve it, and the Commission shall, if it approves the Settlement, enter an Order in accordance with the terms of this Agreement.
- 9) Effective Date of Agreement: This Agreement shall not be binding upon the parties until the date it is approved by the Commission and the Commission issues an order in accordance with the terms of this Agreement. The date upon which the Commission enters its Order approving this Agreement shall be deemed its effective date. If this Agreement is not approved in whole by the Commission, this Settlement Agreement shall be void and may not be used in this or any other proceeding. The parties acknowledge that this Settlement Agreement and any subsequent Order shall be announced at an open public meeting of the Commission. The parties further acknowledge that, upon adoption, this Settlement Agreement, the Order, and the Commission's file pertaining to this matter shall become open and public.
- 10) Right to Address the Commission: The Respondent has a right to address the Commission on the matter of the approval of this Settlement Agreement.
- 11) Advice of Counsel: The Respondent acknowledges that he has an opportunity to seek the advice of an attorney in connection with the terms of this Agreement.



Michael Vance, Respondent

02-04-23
Date



Frank J. Daley, Jr., Executive Director
Nebraska Accountability and Disclosure Commission

3-3-23
Date